

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

BRUCE WESTIN,

Defendant and Appellant.

B209234

(Los Angeles County
Super. Ct. No. SA061160)

APPEAL from an order of the Superior Court of Los Angeles County,
James R. Dabney, Judge. Affirmed in part and remanded with directions.

Murray A. Rosenberg, under appointment by the Court of Appeal, for
Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant
Attorney General, Pamela C. Hamanaka, Senior Assistant Attorney General,
Keith H. Borjon and Sharlene A. Honnaka, Deputy Attorneys General, for Plaintiff
and Respondent.

Bruce Westin appeals from an order modifying his terms of probation. Previously he was convicted of committing vandalism, causing damage over \$400. (Pen. Code, § 594, subd. (a).) Imposition of sentence was suspended and he was placed on probation. Included in his terms of probation was that he obey all rules and regulations of the probation department and make restitution to the victim in the amount of \$94,547.48. His conviction and the order of restitution were affirmed on appeal. (*People v. Westin* (August 18, 2008, B202964) [nonpub. opn.]; *People v. Westin* (September 30, 2008, B204594) [nonpub. opn.].)

FACTUAL AND PROCEDURAL HISTORY

As we stated in our previous opinion filed August 18, 2008, in case number B202964, the evidence at trial established that appellant was involved in an ownership dispute relative to a duplex in which he was living. In February 2006, Frederick Nitowski, the determined owner, began proceedings to evict appellant. During these proceedings, appellant threatened that the apartment was not going to be worth anything when he was done. In June 2006, after obtaining an eviction order from the court, Nitowski discovered that appellant had severely damaged the unit. At the time of trial, the damage to the premises was determined to be \$71,329. (*People v. Westin, supra*, B202964.) At a later restitution hearing, the court ordered appellant to reimburse the victim in the amount of \$94,547.48. (*People v. Westin, supra*, B204594.)

On June 3, 2008, appellant filed a motion to terminate probation pursuant to Penal Code section 1203.3. At the hearing on the motion, the court stated appellant had not complied with the restitution condition of probation and that it was not inclined to grant the motion. The court asked appellant with regard to his travel restrictions, “Where do you want to go?” Following a discussion with appellant, the court stated it had no problem with appellant traveling within the State of California. “Those restrictions will be removed. However, if you’re leaving the state, then you need . . . to give prior notice to the probation department.” After further discussion with appellant, the court reiterated, “. . . I want to avoid misunderstandings between you and the probation

department. And so at this time, if you're traveling out of the state, all I'm requiring you do is give them notice of the dates you'll be gone. Okay?"

The court's minute order for the proceeding states, "On defendant's motion, he is allowed to travel within . . . [the] county without restriction. [¶] The court also authorizes travel outside of Los Angeles County, if the probation officer is properly notified, and approves."

DISCUSSION

Appellant contends the minute order does not accurately reflect the trial court's ruling and must be corrected. Respondent agrees the minute order must be corrected as appellant requests to state that he is allowed to travel within the State of California without restriction. The minute order must also be corrected to reflect the trial court's additional order that travel outside the State of California requires prior notice to the probation department. (See *People v. Mitchell* (2001) 26 Cal.4th 181, 185 [court has inherent power to correct clerical errors in its records at any time].)

DISPOSITION

The matter is remanded to the trial court with directions to correct the minute order to reflect the trial court's orders relating to appellant's travel and in all other respects the order denying the motion to terminate probation is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

MANELLA, J.

We concur:

WILLHITE, Acting P. J.

SUZUKAWA, J.